



US Army Corps
of Engineers
Seattle District

Special Public Notice

Regulatory Branch
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Publication Date: 23 August 2001

NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS AND PUBLIC HEARING

On August 9, 2001, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the Nationwide Permits (NWP).

NATIONAL ISSUES: This notice is the public's opportunity to comment on the proposed re-issuance of existing NWPs and conditions. Comments on national issues relating to these NWPs should be sent to the GAO Building, Office of the Chief of Engineers, Regulatory Branch (ATTN: CECW-OR), 441 G Street, N.W., Washington, D.C. 20314-1000. Comments on the proposed new and modified NWPs are due by September 24, 2001.

NWPs are general permits issued on a nationwide basis to authorize minor activities with minimal evaluation time. Some activities authorized by NWPs require pre-construction notification to the District Engineer before commencing with the work. This notification requirement to the District Engineer is necessary to ensure that activities authorized by these NWPs have minimal individual and cumulative adverse impacts on the aquatic environment. At the end of this public notice is an index of the proposed NWPs and general conditions. Anyone wishing to provide comments may obtain a full text copy of the proposed NWPs and national conditions through the Corps home page, the Seattle District Home Page or the Government Printing Office's (GPO) Federal Register using the internet addresses listed below.

NOTICE OF PUBLIC HEARINGS: The U.S. Army Corps of Engineers Headquarters Office will conduct a public hearing in Washington, D.C., on September 12, 2001, at the GAO Building, 7th floor auditorium. The intent of this hearing is to solicit public comments, both oral and written, on the NWP Program as a whole or on individually proposed NWPs on a national level. The public record for this hearing will conclude at close of business September 22, 2001. This date is separate from the Federal Register notice closing date for the receipt of written comments. For further information on the hearing or the proposed NWPs, please contact Mr. Rich White at (202) 761-4599, or Mr. Sam Collinson, at (202) 761-4594.

REGIONAL ISSUES: In addition to the NWP general conditions, Division Engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or State. Regional conditions are an important mechanism to ensure that impacts to the aquatic environment authorized by the NWPs are minimal, both individually and cumulatively. Division Engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., States or watersheds) or high-value aquatic systems where impacts authorized by those NWPs may be more than minimal. The Seattle District is seeking comments on the existing regional conditions and seeking comments on the need for additional regional conditions to help ensure that impacts authorized by the proposed NWPs are minimal. Existing regional conditions may be viewed in Seattle District's Special Public Notice entitled, "Final

Regional Conditions,...For Nationwide Permits...For the State of Washington", dated June 7, 2000 available at the Internet address below, or by contacting the District using the address or telephone numbers listed below in this paragraph. In response to the comments received on regional conditions, an additional public notice announcing proposed new and revised regional conditions may be published depending on the extent of proposed changes. When the Division Engineer approves regional conditions, those regional conditions become effective when the final NWP's public notice is announced. Comments on regional issues pertinent to the proposed NWP's and regional conditions should be sent to the U.S. Army Corps of Engineers, Seattle District, ATTN: Mr. Jonathan Smith, Post Office Box 3755, Seattle, Washington 98124-3755, telephone 206 764-6910 or facsimile 206 764-6602. Comments are due September 24, 2001. Similar public notices proposing regional conditions in other States are being published concurrently by other division or district offices.

For those NWP's that result in a discharge into waters of the United States, a State, Federal, or individual Tribal Section 401 Water Quality Certification or waiver is required. Additionally, State Coastal Zone Management Act consistency concurrence or waiver is required for those NWP activities within or affecting the State's Coastal Zone. The Corps believes, in general, that these NWP's comply with State Water Quality Certification standards and are consistent with State Coastal Zone Management Plans. However, Corps Districts are working individually with the appropriate State or Tribal agencies to identify and resolve any issues before finalizing these NWP's.

ENVIRONMENTAL DOCUMENTATION: Provisional determinations, including environmental documents, have been prepared indicating that these NWP's comply with the requirements for issuance under general permit authority. These documents, as well as the proposed NWP's and public hearing information, are available for viewing at the U.S. Army Corps of Engineers, Seattle District, Federal Center South, 4735 East Marginal Way South, Seattle, Washington or on the Internet at the addresses listed below.

The Corps will prepare final decision documents when the NWP's are issued or modified. These documents will be available as indicated in the preceding paragraph. Furthermore, the NWP decision documents will be supplemented by Division Engineers to address their decision concerning regional conditions of the NWP's.

Internet addresses:

Corps Headquarters: <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>

Seattle District: <http://www.nws.usace.army.mil/reg/reg.htm>

For Seattle District's Special Public Notice on existing regional conditions in the State of Washington use <http://www.nws.usace.army.mil/reg/SpecialPNpage/16jul00nwpspn.pdf>

For the Federal Register through the Government Printing Office (GPO) use <http://www.access.gpo.gov/>

INDEX OF NATIONWIDE PERMITS, NATIONAL CONDITIONS, AND DEFINITIONS

Proposed Nationwide Permits

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Maintenance

8. Oil and Gas Structures
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects*
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Oil Spill Cleanup
21. Surface Coal Mining Activities*
22. Removal of Vessels
23. Approved Categorical Exclusions
24. State Administered Section 404 Programs
25. Structural Discharges
26. *RESERVED*
27. Stream and Wetland Restoration Activities*
28. Modifications of Existing Marinas
29. Single-family Housing
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities*
32. Completed Enforcement Actions
33. Temporary Construction, Access and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation*
38. Cleanup of Hazardous and Toxic Waste
39. Residential, Commercial, and Institutional Developments*
40. Agricultural Activities*
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities*
43. Stormwater Management Facilities*
44. Mining Activities

Proposed Nationwide Permit General Conditions

1. Navigation
2. Proper Maintenance
3. Soil Erosion and Sediment Controls
4. Aquatic Life Movements*
5. Equipment
6. Regional and Case-by-Case Conditions
7. Wild and Scenic Rivers
8. Tribal Rights
9. Water Quality*
10. Coastal Zone Management
11. Endangered Species
12. Historic Properties

13. Notification*
14. Compliance Certification
15. Use of Multiple Nationwide Permits.
16. Water Supply Intakes
17. Shellfish Beds
18. Suitable Material
19. Mitigation*
20. Spawning Areas
21. Management of Water Flows*
22. Adverse Effects from Impoundments
23. Waterfowl Breeding Areas
24. Removal of Temporary Fills
25. Designated Critical Resource Waters
26. Fills Within 100-year Floodplains*
27. Construction Period *

Definitions

Best Management Practices

Compensatory Mitigation

Creation

Enhancement

Ephemeral Stream

Farm Tract

Flood Fringe

Floodway

Independent Utility

Intermittent Stream

Loss of Waters of the United States

Non-tidal Wetland

Open Water

Perennial Stream

Permanent Above-grade Fill

Preservation

Restoration

Riffle and Pool Complex

Single and Complete Project

Stormwater Management

Stormwater Management Facilities

Stream Bed

Stream Channelization

Tidal Wetland

Vegetated Buffer

Vegetated Shallows

Waterbody

*** Proposed change, simplification or modification to NWP or General Condition**